Administrative Rules

State of WISCONSIN
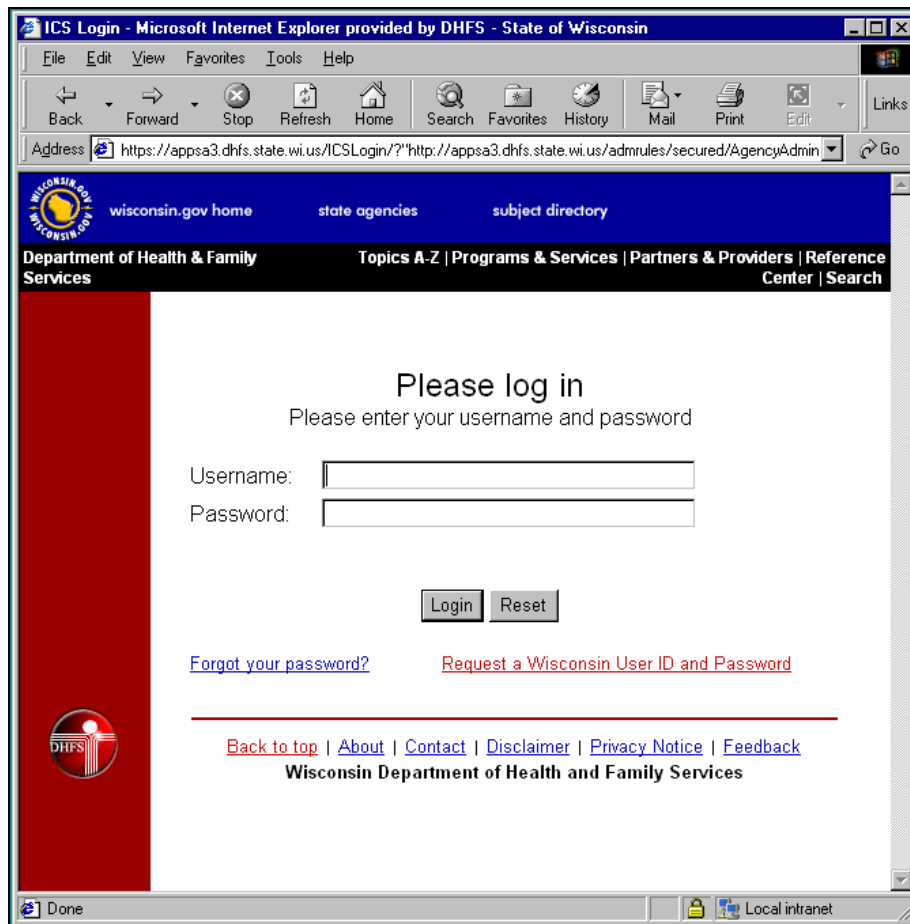
Administrative Rules

User Documentation

DHFS
Version 2.0
15 January, 2005
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I. Populating the Application with Agency Data

1. Enter your Wisconsin user ID and password to access the application.

To start the application, go to: http://apps.dhfs.state.wi.us/admrules/secured/AgencyAdmin

Each time you want to access the application, you are required to enter your user name and password.

Users must get user names and passwords from the Wisconsin portal system (https://on.wisconsin.gov/servlet/wimap/selfreg.SelfRegController). Once each user has a userID and password created through the State of Wisconsin's self-registration process, he or she needs to contact the DHFS Site Administrator to get access rights to the application. The current Site administrator is Matt Duffy. Contact him at (608)267-9636 (DuffyMG@dhfs.state.wi.us).

Once you have logged in, you are at the "Administration" page of the application. From here, you can choose three broad areas to work in:
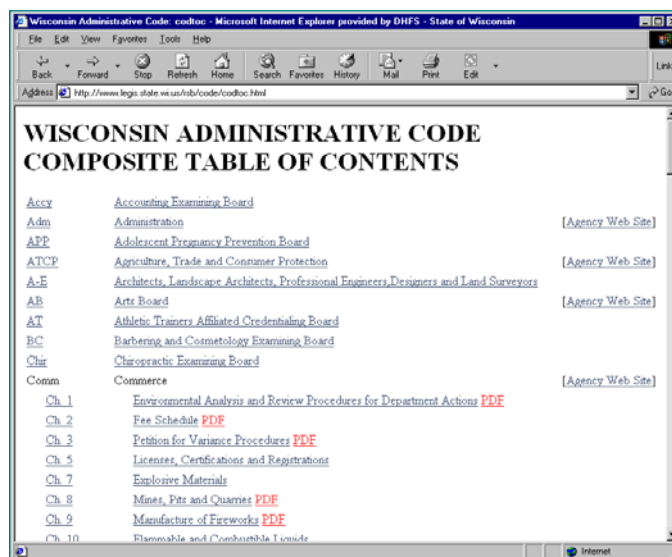
     a. "Existing Rules"
     b. "RMOs Under Promulgation"
     c. "Emergency Orders"

2. Existing Rules

This section should be populated with information about the existing administrative rule chapter, including your agency's acronym and chapter number, e.g., "HFS 124," for all of your agency's existing rules.

The most convenient way to do so is to open the Revisor of Statutes' web page and the administrative rules agency application web page *simultaneously* and copy and paste each rule's web address/URL from the Revisor's web page to the application web page, which will be explained as follows. The Revisor of Statutes' web site is:
http://www.legis.state.wi.us/rsb/code/codtoc.html

From this web page, locate your agency's listing of administrative rules.

Select and open the "PDF" version of the first chapter of your agency's rules. Once the document opens, right-click on the URL (the web address) of the document. This will highlight the entire URL and produce a drop-down menu that has a "copy" option. Select "copy."
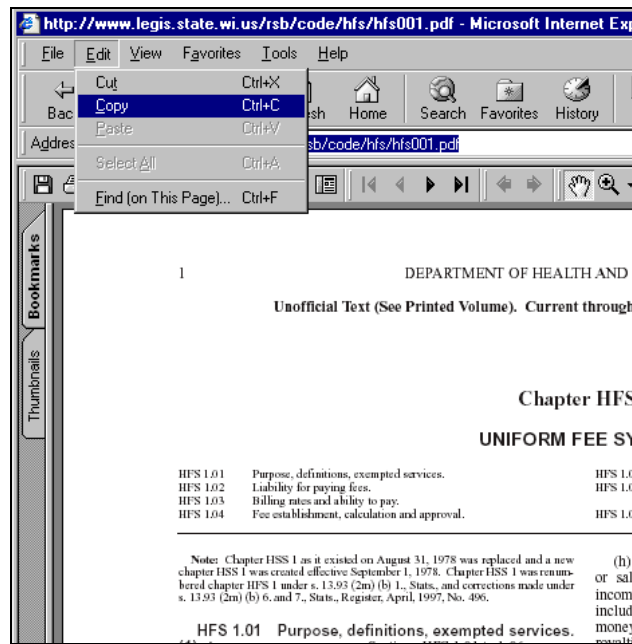
In the Agency version of the administrative rules application, on the "Administration" page, click on "Add rule" under "Existing Rules."
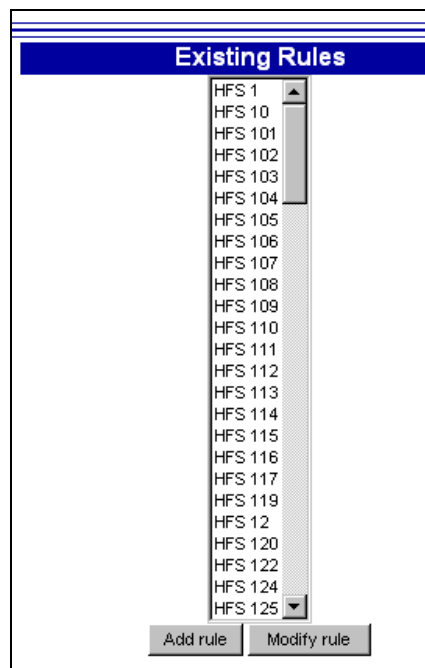
The application will generate a screen that is titled, "Create New Rule."

Put your cursor in the last field titled, "URL" to the right of "Revisor link" and right-click. Doing so should give you the option of "Paste," which you should select to insert a copy of the address associated with the Revisor's current (relatively official) copy of that chapter of administrative rules. Then, enter the number of the rule chapter, for example, "HFS 14" in the field titled "URL Description." In most cases, when a rule chapter has no appendices, you will only need to copy and paste the URL (and provide a URL description) for a single document, the rule chapter. However, if a rule chapter has one or more appendices, the Revisor will post each appendix as a separate document. Therefore, you will need to create as many Revisor links as necessary to capture all of the pertinent appendices to the chapter. Each time you enter a URL Description and URL, you should select "Save." The system will refresh and, if you need to add additional appendices, you should do so under the "Add New" fields. When you are finished with that rule chapter, click on the "Done" button.

Next, complete the remaining first four fields in the "Create New Rule" screen.

- In the "Rule Chapter/Title" field, enter the agency acronym and number of the chapter you are entering, e.g., "HFS 120."
- In the "Rule name" field, enter the official title/name of the rule chapter. For example, the title of HFS 120 is "Health Care Information."
- In the "Rule description" field, enter a brief description of what the rule chapter addresses. Typically, this could be the phrase contained in the "relating clause" of a rulemaking order for that chapter. For example, a recent rulemaking order for HFS 120 stated the following relating clause, "relating to *the collection, analysis and dissemination of health care information*." Bear in mind that you can only enter an limited number of characters in this field. This limitation is necessary to allow all of the text to fit on the rulemaking order page that is viewed by the public.
- Finally, in the field titled "Keywords," enter several keywords associated with the chapter. Continuing the example of HFS 120, possible keywords might be "physician data, hospital data, data, affirmation statement, bad debts, charity care, data profile." Notice that each keyword or phrase is separated *by a comma and a space* to let the application know that you are beginning a new keyword or phrase. Enter as many or as few keywords as you deem appropriate (five to ten are average.) To facilitate the public's use of the application, you should select "plain English" terms and phrases, in addition to terms and phrases that may be used in your agency. Words found in the title or description fields need not be repeated in this field. If a term may be used both in the singular and plural form, enter both variations.

When you have completed all of the fields, click "Save New."

The web page should "refresh" itself and you should be able to see that your data has been added to the application's database.

Repeat the preceding steps for each chapter of your agency's administrative rules. When you have completed this process for all chapters of your agency's administrative rules, you have completed populating the "Existing Rules" section of the application.

You may, at any subsequent time, change any of the information entered. To do so, simply highlight the rule chapter that you want to modify, click on "Modify rule," make the needed changes, and click "Save." If a rule chapter has been repealed or was created by mistake, simply highlight that chapter number and select "Delete Rule."

3. RMOs Under Promulgation (Permanent Rules)

Normally, a record is created for a new permanent rulemaking order at the time the agency transmits the *Statement of Scope* for it to the Revisor of Statutes.

This section of the application contains your agency's current **permanent** rulemaking efforts that are currently being promulgated. You need to add all of your agency's current/active **permanent** rulemaking efforts in this section. To add a rulemaking effort to the application, click on the button "Add RMO." Doing so will generate a screen titled "Create Rulemaking Order." Complete the fields as described below.

General Information

Public title
Enter the title that you think best describes the rulemaking initiative, e.g., "HFS 2 Recoupment of Benefit Overpayments." This is the title that will appear on the rulemaking order page for the rulemaking order.

Private title
"Private title" is an optional field. If you choose to enter information in it, consider entering words or numbers that are, and will stay, a unique identifier for that rulemaking initiative. For example, DHFS uses a unique identifier consisting of three descriptors: 1) the rule chapter number (or, if several chapters are affected, the first chapter number); 2) the letters "P," "E" or "M" to designate whether the rulemaking is an emergency, permanent and/or involves multiple rule chapters; and 3) the six-character date that work on the rulemaking began.
Therefore, an example of DHFS's entry for "Private title" would be "002P-101702."

Description

Enter a brief description of what the rulemaking intends to do; no more than a sentence. For example, describe whether the rulemaking is creating or amending rules and in relation to what. The description only needs to alert or confirm to the viewer that he or she has found the rulemaking of interest to him or her. This field is limited to 250 characters.

Clearinghouse Number
This field is initially left blank because the Legislative Council Rules Clearinghouse does not assign a number to the rulemaking order until it has received the initial proposed order to review. Once your agency learns of the order's assigned number (when the Rules Clearinghouse transmits it comments on the proposed rule to your agency), you should enter it in this field.

Type of rulemaking order
Since you are making an entry for a proposed permanent rulemaking order, select "Permanent."

Emergency Expiration date
Since you are making an entry for a "permanent" rule promulgation, leave this field blank.

Status
The associated permanent rulemaking order can be in one of three stages: "Proposed," "Adopted" or "Withdrawn." Select "Proposed." (You should change the status to "Adopted" once your agency has filed the order or change the status to "Withdrawn" if your agency discontinues the associated rulemaking.)

Note: The current version of the application does not provide for the rulemaking status of "S*uspended*." Therefore, until the status category of "Suspended" is added to the application, users are advised to post a document titled, "RULE IS SUSPENDED" at the appropriate stage of promulgation at which the suspension occurs. The contents of the document should simply inform the reader why the order has been suspended.

Comments allowed?
Select "No" if unless you have submitted the rulemaking order's notice of public hearing for publication in the Wisconsin Administrative Register. If your agency is using the application to collect public comments, change the selection to "Yes" from the time the hearing notice is submitted for publication until the last day you indicate in the adjoining date field that comments will be accepted. (You may change the date indicated in the date field at any time.)

Screen Comments?
Indicate whether you are going to screen submitted comments before making them viewable by the public. If you select "No," registered visitors to the application may submit comments directly to the application for viewing. If you select "Yes," you will need to frequently monitor the agency rulemaking order site to see whether and what comments have been submitted and which, you need to screen. The application informs each commenter of comment submission guidelines.

Search Keywords
Enter several keywords associated with the rulemaking order. These may or may not be the same as those that have been entered for the rule chapter under section 2 "Existing Rules." (As appropriate, enter similar keywords for related rulemaking efforts, e.g., an emergency order related to a permanent order.) The keywords should be associated with and characterize the specific changes accomplished by the rulemaking order. Separate each keyword with a comma and a space. Enter as many or as few keywords as you deem appropriate (five to ten are average.) To facilitate the public's use of the application, you should select "plain English" terms and phrases, in addition to terms and phrases that may be used in your agency. Words found in the title or

description fields need not be repeated in this field. If a term may be used both in the singular and plural form, enter both variations. In addition, you must enter the term "**small business**" in any rulemaking order that affects small business as defined in ch. 227, Stats.
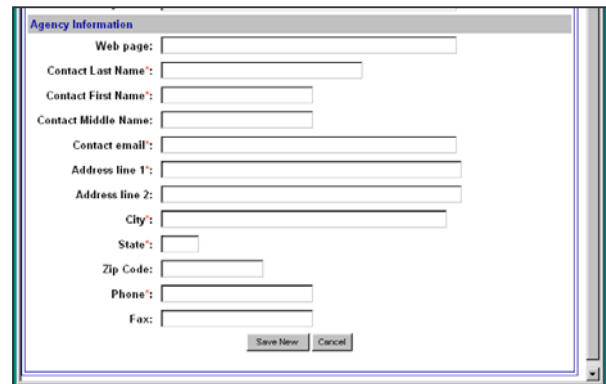
Agency Information

The staff information entered in this section of the record is identified by the application as the contact person for the rulemaking order. (The information entered in this section normally would be the same for related emergency and permanent rulemaking.)

Web page
Normally, you should enter the URL for your agency's homepage here, but if, for example, your agency has created a special web site for the rulemaking order, you should enter that URL.

Contact Last Name
Enter the last name of the contact person. Normally, this is the same person who will be listed in the hearing notice. However, if a great volume of inquiries is anticipated, or two or more persons are going to share responsibilities, you may want to consider creating a generic agency mailbox and phone number.

Contact First Name
Enter the first name of the contact person.

Contact Middle Name
At your option, enter the middle name of the contact person.

Contact email
Enter the email address to which email inquiries about the rulemaking order should be sent to.

Address line, Address line 2, City, State, Zip Code
Enter the mailing address to which paper inquiries about the rulemaking order should be sent to.

Phone
Enter the phone number to which oral inquiries about this rulemaking order should be routed to.
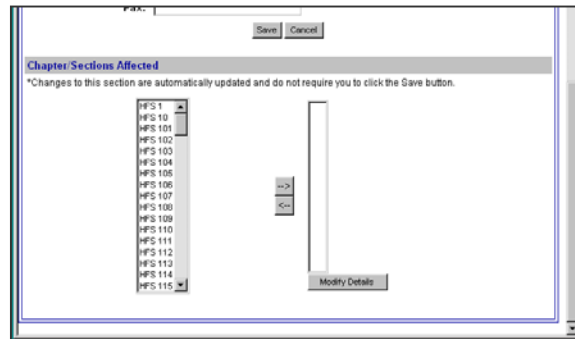
Fax
At your option, enter the fax number to which fax inquiries about this rulemaking order may be sent to.

After all the information is entered, click the bottom "Save New". The window will "refresh" and you will be able to assign to the new rulemaking order those chapters and/or sections that the rulemaking order affects.

Chapter/Sections Affected

In sequence, highlight each rule chapter/section associated with the rulemaking order.

When a given rule chapter/section has been selected, click on the right-pointing arrow. Doing so will associate that highlighted chapter/section with the rulemaking order by including it in the right-hand column. Repeat the preceding selection and assignment for each rule chapter/section that is affected by the rulemaking order. (You may change the rule chapters/sections affected by the rulemaking order at any time to reflect the current content of the rulemaking order.)

Once the record contains all of the information it should, select "Save" at the bottom of the "Agency Information" section of the record.

If, at some point, for some reason, you want to delete a rulemaking order, you may do so by highlighting that RMO and selecting "Delete Rulemaking Order." *Bear in mind, however, that doing so will delete all the information related to that rulemaking order, including documents, comments and so forth. Therefore, a rulemaking order should only be deleted if its creation was an error. Never delete a rulemaking order simply because the promulgation is completed!*

4. Emergency Orders
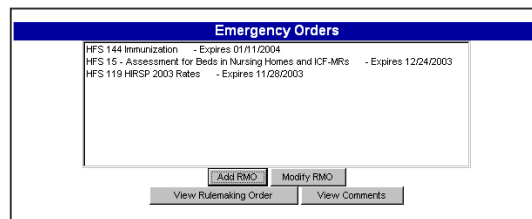
This section contains your agency's current *emergency* rulemaking efforts that are in effect. (Related permanent rulemaking orders have their own records under "RMOs Under Promulgation.") To add an emergency rulemaking order to the application, click on "Add RMO" under the "Emergency Orders" section on the "Administration" page of the agency version of the application. Doing so will generate a screen titled "Create Rulemaking Order."

You will notice that the fields in "Create Rulemaking Order" for emergency rulemaking orders are very similar to the fields for permanent rulemaking orders. Complete the fields as required.

General Information

Public title
Enter the title that you think best describes the rulemaking initiative, e.g., "HFS 2 Recoupment of Benefit Overpayments." This is the title that will appear on the rulemaking order page for the rulemaking order.

Private title
"Private title" is an optional field. If you choose to enter information in this field, consider entering words or numbers that are, and will stay, a unique identifier for the rulemaking initiative. For example, DHFS uses a unique identifier consisting of three descriptors: 1) the rule chapter number (or, if several chapters are affected, the first chapter number); 2) the letters "P," "E" or "M" to designate whether the rulemaking is an emergency, permanent and/or involves multiple rule chapters; and 3) the six-character date that work on the rulemaking began. Therefore, an example of DHFS's entry for "Private title" for an emergency rule might be "002E-101702."

Description
Enter a brief description of what the rulemaking intends to do; no more than a sentence. For example, describe whether the rulemaking is creating or amending rules and in relation to what. Your description only needs to alert or confirm to the viewer that he or she has found the rulemaking of interest to him or her. This field is limited to 250 characters.

Clearinghouse Number
Leave this field blank, as Clearinghouse numbers are not assigned to emergency rules.

Type of rulemaking order
Select "Emergency."

Emergency Expiration date
Enter the date on which the emergency rule will expire. If the Legislature's Joint Committee for the Review of Administrative Rules (JCRAR) approves extending the effective period of the emergency rule, you will need to update this field with the appropriate expiration date.

Status
The associated emergency rulemaking order can be in one of two stages: "In effect" or "Expired." Select "In effect." (Change the status to "Expired" once the order expires.)

Note: The current version of the application does not provide for the rulemaking status of "*Suspended.*" Therefore, until the status category of "Suspended" is added to the application, users are advised to post a document titled, "RULE IS SUSPENDED" at the appropriate stage at which the suspension occurs. The contents of the document would simply inform the reader why the order has been suspended.
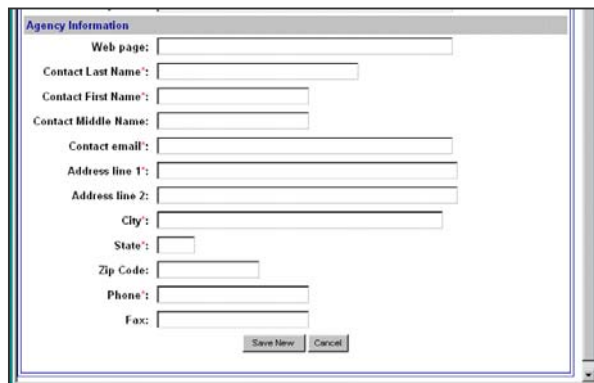
Comments allowed?
Select "No" if unless you have submitted the rulemaking order's notice of public hearing for publication in the Wisconsin Administrative Register. If your agency is using the application to collect public comments, change the selection to "Yes" from the time the hearing notice is submitted for publication until the last day you indicate in the adjoining date field that comments will be accepted. (You may change the date indicated in the date field at any time.)

Screen Comments?
Indicate whether you are going to screen submitted comments before making them viewable by the public. If you select "No," registered visitors to the application may submit comments directly to the application for viewing. If you select "Yes," you will need to frequently monitor the agency rulemaking order site to see whether and what comments have been submitted, and which, you need to screen before you allow the public to see the comments. The application informs each commenter of comment submission guidelines.

Search Keywords
Enter several keywords associated with the rulemaking order. These may or may not be the same as those that have been entered for the rule chapter under section 2 "Existing Rules." (As appropriate, enter similar keywords for related rulemaking efforts, e.g., an emergency order related to a permanent order.) The keywords should be associated with and characterize the specific changes accomplished by the rulemaking order. Separate each keyword with a comma and a space. Enter as many or as few keywords as you deem appropriate (five to ten are average.) To facilitate the public's use of the application, you should select "plain English" terms and phrases, in addition to terms and phrases that may be used in your agency. Words found in the title or description fields need not be repeated in this field. If a term may be used both in the singular and plural form, enter both variations. In addition, you must enter the term "***small business***" in any rulemaking order that affects small business as defined in ch. 227, Stats.

Agency Information

The staff information entered in this section of the record is identified by the application as the contact person for the rulemaking order. (The information entered in this section normally would be the same for related emergency and permanent rulemaking.)

Web page
Normally, you should enter the URL for your agency's homepage here, but if, for example, your agency has created a special web site for the rulemaking order, you should enter that URL.

Contact Last Name
Enter the last name of the contact person. Normally, this is the same person who will be listed in the hearing notice. However, if a great volume of inquiries is anticipated, or two or more persons are going to share responsibilities, you may want to consider creating a generic agency mailbox and phone number.

Contact First Name

Enter the first name of the contact person.

Contact Middle Name
At your option, enter the middle name of the contact person.

Contact email
Enter the email address to which email inquiries about the rulemaking order should be sent to.

Address line 1, Address line 2, City, State, Zip Code
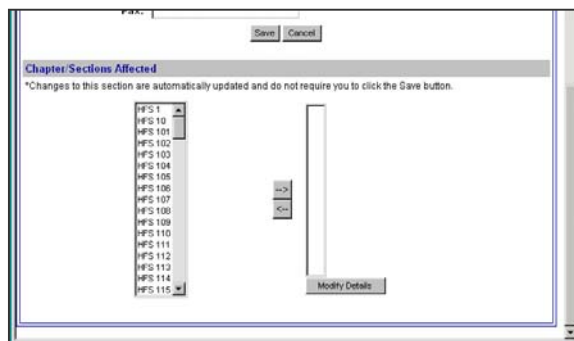Enter the mailing address to which paper inquiries about the rulemaking order should be sent to.

Phone
Enter the phone number to which oral inquiries about this rulemaking order should be routed to.

Fax
At your option, enter the fax number to which fax inquiries about this rulemaking order may be sent to.

Chapter/Sections Affected

In sequence, highlight each rule chapter/section associated with the rulemaking order. When a given rule chapter/section has been selected, click on the right-pointing arrow. Doing so will associate that highlighted chapter/section with the rulemaking order by including it in the right-hand column. Repeat the preceding selection and assignment for each rule chapter/section that is affected by the rulemaking order. (You may change the rule chapters/sections affected by the rulemaking order at any time to reflect the current content of the rulemaking order.)

Once the record contains all of the information it should, select "Save" at the bottom of the "Agency Information" section of the record.

If, at some point, for some reason, you want to delete a rulemaking order, you may do so by highlighting that RMO and selecting "Delete Rulemaking Order." **Bear in mind, however, that doing so will delete all the information related to that rulemaking order, including documents, comments and so forth. Therefore, rulemaking orders should only be deleted if their creation was an error. NEVER delete a rulemaking order simply because the promulgation is completed!**

II. Changing Agency Data Already Posted

You may want to change the information posted regarding a permanent or emergency rulemaking order for a variety of reasons. Likely reasons include:

- Adding a Clearinghouse number.
- Changing the status of the rulemaking, e.g., from "Proposed" to "Adopted."
- Opening or closing the opportunity for the public to comment on the rule order.
- Changing the contact person for the rulemaking
- Updating the expiration date for an emergency rule.

To change any information about an existing permanent or emergency rulemaking order, select "Modify RMO."

To enter the Clearinghouse number   Enter the Clearinghouse number when the Clearinghouse transmits its comments to your agency.

To change the status of the rulemaking   For permanent rule orders, select "Adopted" when the rule has been filed; select "Withdrawn" if the rule has been withdrawn.
For emergency rules, select "Expired" when the order expires.

Note: The current version of the application does not provide for the rulemaking status of "*suspended*." Therefore, until the status category of "suspended" is added to the application, users are advised to post a document titled, "RULE IS SUSPENDED" at the appropriate stage at which the suspension occurs. The contents of the document would simply inform the reader why the order has been suspended.

To change the Comments allowed   If your agency elects to accept comments submitted online, select "Yes" when your agency submits the hearing notice for the rulemaking to the Revisor for its publication in the Register. The application will automatically switch itself to "No" once the last date for comments has passed.

Agency Information   If needed, change the contact information in the pertinent fields.

Once you make any of these desired changes, select "Save."

III. Adding Documents to a Rulemaking Posting

As the "Rule making order" page illustrates, each rule promulgation process is composed of a series of sequential steps and agency actions.

<u>Permanent Rulemaking</u>

The application divides the permanent rule promulgation process into five steps.

Shortly after you transmit a rules-related document to an external party (e.g., the Revisor's Office, the Clearinghouse, the Presiding Officers of the Legislature, or the Secretary of State), you should post it on the application. Pertinent rule-related documents are the following:

- Statement of Scope (submitted to Revisor)
- Initial Proposed Rulemaking Order (submitted to the Clearinghouse)
- Fiscal Estimate (submitted to the Clearinghouse)
- Public Hearing Notice (submitted to the Revisor's Office)
- Clearinghouse Review of Rule (the electronic version you receive from the Clearinghouse)
- Legislative Report (submitted to Presiding Officers)
- Final Proposed Rulemaking Order (submitted to Presiding Officers)
- Agency Correspondence to Legislature
- Legislature Correspondence to Agency
- Final Rulemaking Order Filed (submitted to the Revisor's Office and the Secretary of State)

Emergency Rulemaking

The application divides the emergency rulemaking process into three steps.

Shortly after you transmit the emergency order to the Secretary of State, you should post it on the application. Pertinent rule-related documents are the following:

- Emergency Rulemaking Order (submitted to the Revisor's Office and the Secretary of State)
- Fiscal Estimate (submitted to legislators)
- Public Hearing Notice (submitted to the Revisor's Office)
- Agency Requests to JCRAR for Rule Extension(s)
- JCRAR Legislative Actions on Agency Extension Requests
- Agency Correspondence to Legislature
- Legislature Correspondence to Agency

Posting a document is a four-step process.

1. Using Adobe Acrobat software, convert your document to Adobe PDF format. Typically, this is done by opening the document and selecting "print." Adobe "PDF Writer" software should be one of the printer options displayed. Select it and then select "Print." Save the PDF version of the document to whatever file folder you deem appropriate. For more information about this software, go to www.adobe.com

2. At the appropriate section of the "Administration" section ("*RMOs Under Promulgation"* for permanent rules; *"Emergency Orders"* for emergency rules), highlight the pertinent rulemaking order, and select "View Rulemaking Order."
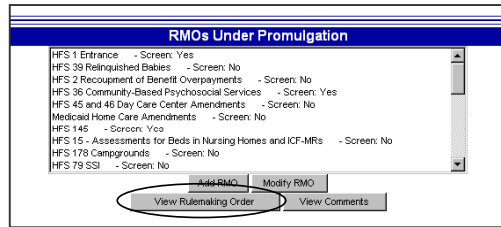
3. Select "Add Document" in the lower, right-hand portion of the screen.
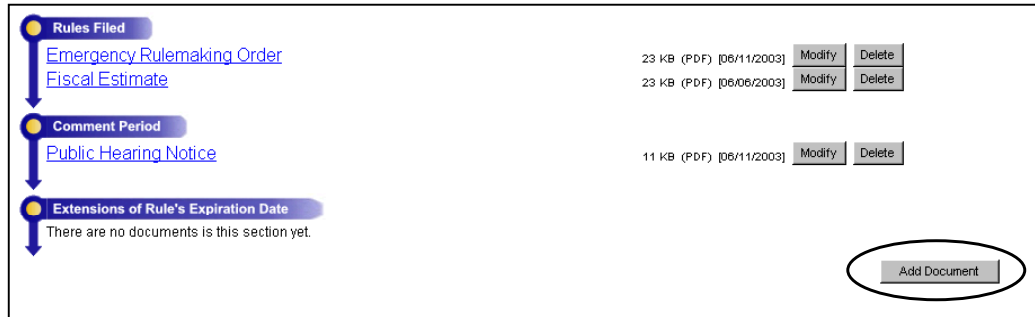
Doing so will generate an "Add Rmo Document" screen:

4. In the "Add Rmo Document" screen, choose:

   a. The pertinent stage of rulemaking associated with the document you want to post.
   b. The name of the document you wish to post. (If the document you wish to post is other than one of the standard types of rules-related documents, select "Other" and name the document in the subsequent field. For example, if your agency is required to develop an *"Economic Impact Report"* as part of its rule promulgation, you can post it by selecting "Other" and giving it an appropriate descriptive title.
   c. By clicking on the icon next to "Published Date," select the date you are posting the document.
   d. Browse your computer files and locate where you have stored the PDF file of the document.

5. Select "Save" to post the document. The application automatically makes a copy of your document within the system and places a hyperlink on the rulemaking order page.

These steps must be done for each document posted in the application.

You may delete (remove) any document posted on the rulemaking order page. You may also change any of the information posted with respect to any posted document.

IV. Showing or Hiding Comments and Screening Comments

You have the option of showing or hiding each individual comment that has been submitted.

If you have elected not to screen comments, all comments submitted by persons will be immediately viewable by the public.

If you have elected to screen comments for a rulemaking order, you must periodically check the rulemaking order at the agency application to see if new comments have been posted. You do it by going to the "Screen" Tab.
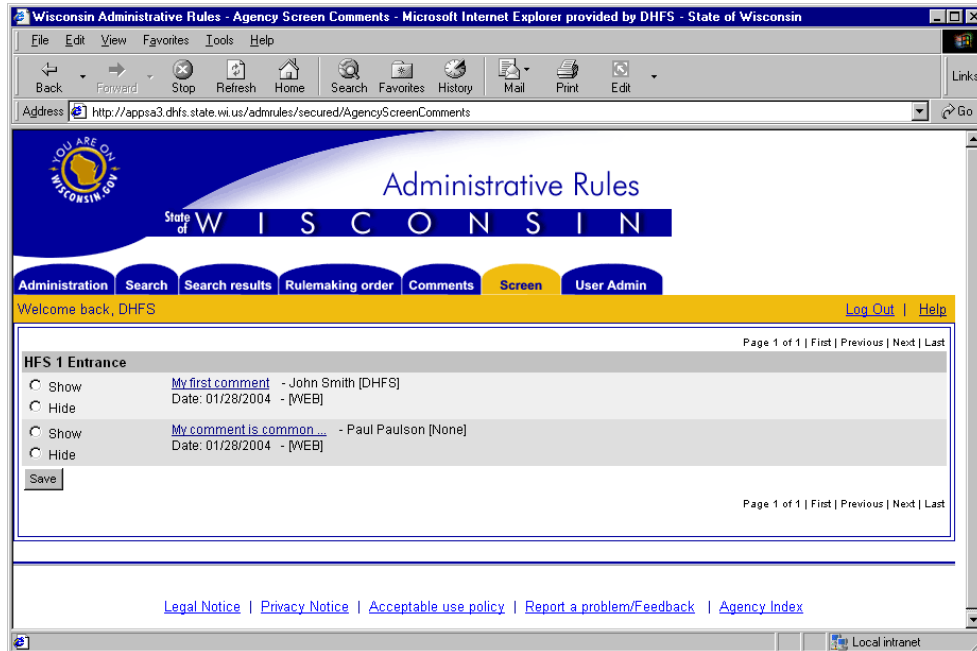
Consider checking the site *daily* during the comment period. If you find a new comment has been submitted, review the comment, and, unless it is not suitable for posting (i.e., it violates one of the posted submission guidelines), change the indicator associated with the comment from "Hide" to "Show." Once you make that change (#1 in the illustration), click on the "Save" button (#2 in the illustration) to retain the changes. Subsequently, all persons will be able to view the comment.

If you receive a comment outside of the application (e.g., via email or via a letter), and you want to post the comment in the application, you will need to create an electronic document of it. For an email, simply cut and paste the email comment into word processing file and convert that

documer... ...o the
rulemakir... ...or a
paper do... ...e, clean
up the fil... ...ent as a
posted c... ...eded and
appropria...

Wisconsin Administrative Rules - Add Rmo Document - Microsoft Internet Explorer provided by DHFS - State ...

Add Comment Document

Name: Admin, DHFS X

Association: DHFS

Comment title:

Document Type's Allowed: BMP, DOC, HTML, MP3, MPEG, PDF, RTF, TXT

Document: [   ] Browse...

Save   Cancel

Currently, you cannot delete or modify a comment that has already been submitted. If you post a comment you received via email or via a letter, and you belatedly decide that the comment should not be posted (for example, you discover a spelling error in the information you have entered in association with the comment), you should "Hide" the comment and re-enter the comment as another new comment that is not hidden. Click on the "Save" button to retain the changes.

If you are particularly desirous of persons commenting on one or more aspects of a given rule, or you want to tell people specific things that pertain to comments submitted for that order, consider mentioning those aspects either in the public hearing notice you post on the application or in a special separate posted document that is titled, for example, "Rule Subjects on Which Comments are Especially Encouraged" of words to that effect.

V. Searching for Comments

On the "Comments" page of a given rulemaking order, you can search for particular comments either by entering certain words or phrases you believe may be in the body of the comment, or by specifying a date before which the comment was submitted. The application will filter the comments for that rulemaking order and present only those that meet your search parameters.